IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Mat.Appeal.No. 166 of 2007()

OP.150/2004 of FAMILY COURT,THRISSUR
.....

PETITIONER: APPELLANT

BINDU BHOOSHAN, S/O.GOPALAKRISHNAN,
NADUVATHARA VEETTIL, THAZHEKKAD DESOM & VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS: RESPONDENT

SMT.LISSIYA, D/O.SAHADEVAN,
CHITTAMMA SADANATHIL, PARAKKAL VEETTIL,
PUTHUKODE POST OFFICE AREA, PALAKKAD DISTRICT.

BY ADV. SRI.K.B.MOHANDAS
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

Mat Appeal No.166 of 2007

Dated 23rd May, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the order dated 6.3.2007 in O.P.No.150/04 on the file of the Family Court, Thrissur. In the nature of the order we propose to pass, it is not necessary to go into the meticulous factual details. O.P.No.150/04 is filed by the petitioner husband seeking restitution of conjugal rights. O.P.No.1202/05 for return of gold ornaments and O.P.No.302/06 for divorce are also pending before the Family Court, it is submitted. It is further submitted that though an attempt was made for joint trial of the cases, the Family Court took up the case for restitution of conjugal rights only and finding that in the background of the litigations between the parties, there is no scope for restitution of conjugal rights, dismissed the petition. Before us, it is fairly conceded that since two other cases between the parties are also pending before the Family Court, they have no objection in having joint trial of the cases, so that the entire grievances can be considered by the Family Court. In view of the above submission, we set aside the

impugned order dated 6.3.2007 in O.P.No.150/04 and remit the matter to the Family Court, Thrissur, to be tried along with O.P.Nos.1202/05 and 302/06. All the cases shall be jointly tried and disposed of within a period of three months from the date of receipt of a copy of this judgment.

The Matrimonial Appeal is disposed of as above.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 23rd May, 2007.